

REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In response to the Restriction Requirement, Applicants hereby elect the claims of Group II (including claims 3-7, 9-10, 12-13, 46, and 57), drawn to polynucleotides, vectors, host cells, and microarrays of the invention, and to methods of making a polypeptide, with traverse.

Claims directed to methods of using the claimed polynucleotides for detecting a target polynucleotide by hybridization or PCR (i.e., claims 14-16), for screening a compound for effectiveness in altering expression of a polynucleotide (i.e., claim 28), for assessing toxicity of a test compound (i.e., claim 29), and for generating an expression profile (i.e., claim 47), could and should be examined together with the product claims from which they depend, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Applicants presume these method claims will be rejoined, upon determining allowability of the product claims from which they depend.

It is also submitted that claim 1, drawn to polypeptides of the invention, could be examined along with the polynucleotide claims without undue burden on the Examiner. A search for prior art to determine the novelty of the polynucleotides would substantially overlap with a search of the prior art to determine the novelty of the polypeptides encoded by the polynucleotides.

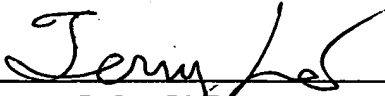
Applicants reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 621-8581.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: Jan. 14, 2003.


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Limited Recognition (37 C.F.R. § 10.9(b)) attached
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The title of the application has been amended as follows:

POLYNUCLEOTIDES ENCODING [NOVEL] HUMAN MONOCYTE
CHEMOTACTIC PROPROTEIN

The paragraph immediately following the title has been amended as follows:

This application is a continuation application of U.S. application Ser. No. 08/683,655, filed July 15, 1996, originally entitled NOVEL HUMAN MONOCYTE CHEMOTACTIC PROPROTEIN, now abandoned, which is hereby expressly incorporated by reference herein.

IN THE CLAIMS

Claims 8 and 11 have been canceled, without prejudice or disclaimer.

Claims 1, 3-4, and 13 have been amended as follows:

1. (Once Amended) An isolated polypeptide [selected from the group consisting of:
 - a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,
 - b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:1,
 - c) a biologically active fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, and
 - d) an immunogenic fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1] encoded by the polynucleotide of claim 3.

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3. (Once Amended) An isolated polynucleotide encoding a polypeptide [of claim 1] selected from the group consisting of:

- a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,
- b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:1,
- c) a fragment of the polypeptide having the amino acid sequence of SEQ ID NO:1, wherein the fragment has chemotactic activity, and
- d) an immunogenic fragment of the polypeptide having the amino acid sequence of SEQ ID NO:1.

4. (Once Amended) An isolated polynucleotide [encoding a polypeptide] of claim [2] 3, encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:1.

13. (Once Amended) An isolated polynucleotide comprising at least 60 contiguous nucleotides of a polynucleotide selected from the group consisting of [claim 12] :

- a) a polynucleotide comprising the polynucleotide sequence of SEQ ID NO:2,
- b) a polynucleotide comprising a naturally occurring amino acid sequence at least 90% identical to the polynucleotide sequence of SEQ ID NO:2,
- c) a polynucleotide complementary to a polynucleotide of a),
- d) a polynucleotide complementary to a polynucleotide of b), and
- e) an RNA equivalent of a)-d).

New claims 58-59 have been added as follows:

58. (New) An isolated polynucleotide of claim 12, selected from the group consisting of:

- a) a polynucleotide comprising the amino acid sequence of SEQ ID NO:2,
- b) a polynucleotide complementary to a polynucleotide of a), and
- c) an RNA equivalent of a)-b).

59. (New) An isolated polynucleotide of claim 13, selected from the group consisting of:

a) a polynucleotide comprising at least 60 contiguous nucleotides of the polynucleotide sequence of SEQ ID NO:2,

b) a polynucleotide complementary to a polynucleotide of a), and

c) an RNA equivalent of a)-b).